

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 29, 42, 45, 47, 49, and 50 have been canceled herein. As such, claims 28, 33, 34, 38-41, 43, 44, 46, 48, and 51-55 are presented for consideration, with claims 28, 33, and 51 being independent. Claims 28, 33, 34, 43, 44, 46, 48, 51, 54, and 55 have been amended to clarify features of the subject invention and to improve their form. No new matter has been added by these changes.

In the Office Action, claims 28, 29, 33, 34, 38-47, 49-52, 54, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,424,552 to Tsuji et al. in view of U.S. Patent No. 6,157,452 to Hasegawa et al. Also, claims 48 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tsuji et al. patent in view of the Hasegawa et al. patent and further in view of U.S. Patent No. 5,218,471 to Swanson et al. Applicants traverse these rejections in view of the foregoing amendments and the following remarks.

By this Amendment, claims 28, 33, and 51 have been amended to recite a reticle. Applicants assert that this amendment further clarifies that the claimed optical lens element is distinct from a reticle, and that the optical lens element is deformed by the weight thereof. To the contrary, the Tsuji et al. patent teaches only that a reticle is deformed by the weight thereof—nowhere does the Tsuji et al. patent teach or suggest an optical lens element, distinct from a reticle, that is deformed by the weight thereof, as recited in independent claims 28, 33, 42, and 51.

Moreover, Applicants assert that a reticle is not an optical lens element. In the Supplemental Amendment filed May 19, 2003, Applicants amended each of independent claims 28, 33, and 51 to recite an optical lens element that is deformed by the weight thereof. The above-noted Office Action, however, fails to directly address this feature when discussing the Tsuji et al. patent. Again, Applicants assert that this feature is not taught by the Tsuji et al. patent. For at least these reasons, the pending independent claims are patentable over the Tsuji et al. patent.

Applicants also submit that both the Hasegawa et al. patent and the Swanson et al. patent are silent regarding the deformation of an optical lens element due to the weight thereof. According to Applicants' understanding, the Hasegawa et al. patent is cited merely for disclosing an optical lens system having a refractive power element and the Swanson et al. patent is cited merely for disclosing an optical lens element having a step-like shape. Without conceding the propriety of the Office Action's characterization of these references, Applicants assert that neither of these patents remedy the deficiencies discussed above with regard to the Tsuji et al. patent, i.e., neither teach or suggest an optical lens element that is deformed by the weight thereof.

For the foregoing reasons, Applicants submit that the present invention, as recited in independent claims 28, 33, and 51, is patentably defined over the cited art whether that art is taken individually, or in combination.

The dependent claims also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Individual consideration of these dependent claims is requested.

This Amendment was not presented earlier in the prosecution, inasmuch as it was earnestly believed that the claims previously on file were in condition for allowance. It is believed that the Examiner's familiarity with the present application will allow full consideration hereof without the expenditure of undue time and effort.

Applicants further submit that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Mark A. Williamson
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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